THE ASSASSIN CONVICTED.

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into a pit like Curtius, pop yourself into a volcano. Folly is immortal, just as much as heroism. The world talks of you and that is all you want."

The prisoner—I do not want anybody to talk about me. There is entirely too much talk about me.

Mr. Porter (continuing the quotation)—"If I could not be Alexander, I would be Diogenes. If I were not a great hero I would be a most ingenious murderer." This love of notoriety, said Mr. Porter, has pursued this man from the beginning.

The prisoner—That is a lie, and you know it. I do not care a snap about it.

Mr. Porter—He never earned an honest penny.

The prisoner—I made two thousand dollars the first year I was in the law business, which is probably four times as much as you did.

THE ASSASSIN'S CRAVING FOR MONEY.

Mr. Porter—This man has been, all his life, craving money. You cannot find two letters of his in this pack in which mention is not made of money. His clamors from the dock have been all: Money! Money! Money! According to him the witnesses are swearing for money. He says: the Government is prosecuting for money. He says: "I would not have killed President Garfield, as I feel now, for a million of dollars." You have heard that over, over and over again, until nauseation. He is "The Honorable Charles J. Guiteau," "The Little Giant of the West." He was always glorifying himself. He has been endeavoring to persuade you that Providence wrought miracles in his favor; and the only reason why, when the Stonington and Narragansett came in collision, Providence saved the lives of those on board, was because this travelling book-peddler and lecturer was on board. That, he thinks, was one of the cases of special providence.

The prisoner—Very likely. You cannot tell about that. Paul saved a shipwrecked party once.

Mr. Porter—The leading spirit of the man has been: First, greed of money, and then greed of reputation. When Horace Greeley was a candidate for the Presidency, this man was at his heels, an applicant for the Mission to Chili.

The prisoner—That is false.

Mr. Porter—If Mr. Greeley had been elected, and the Chilian Mission had been refused to this man, he would have got a bull-dog pistol and sent a cartridge into the back of Horace Greeley.

The prisoner—You know that that is an absolute, wicked, venomous, devilish lie.

Mr. Porter referred to the prisoner's statement about jumping off the railroad train as another of his instances of special providence, but he said he did not believe a word of it. There was nothing to support it except the false testimony of a dishonest man.

The prisoner—You are a liar and you know it, and that is enough for you.

Passing on to the expert testimony, Mr. Porter said that every one of the thirteen experts had sworn, on personal examination, that the prisoner never was insane, and three of them were witnesses who had come under subpœna from the defence, believing from public rumor that he was insane.

The prisoner—They all said I was insane on the 2d of July, until they saw Corkhill and then they changed their minds.

Mr. Porter—They examined him, came to the conclusion that he was sane, and informed the counsel for the defence; and that they should so swear. Three of them remained, and were asked the hypothetical question whether, if the prisoner were insane, he was insane. The others left the city. These men, subpœnaed on both sides, themselves the foremost men in their specialty, and selected because they were so—men of European reputation—all swore that there was no disease of the brain in this man, no insanity, but that he was as sane as any of us.

The Court here took a recess, and, after reassembling, Mr. Porter resumed his argument to the jury. He proceeded to analyze the testimony, the various interruptions, and the speech to the jury of the prisoner, commenting on various sentences as he went along, and was met by constant interruptions and virulent remarks by the prisoner in the dock. At times it was a regular duet between counsel and prisoner, both of them speaking at the same time. Mr. Porter quoted from some scenes in Othello, between Iago and Roderigo, in order to show that the prisoner had found in Shakespeare the idea of softening down the name of murder into removal, but the prisoner repeatedly denied that he had ever consulted Shakespeare on the subject. Passing on to the theory of transitory mania, Mr. Porter read from one of the prisoner's exclamations: "I repudiate the theory of Mr. Scoville. I am not insane now, and I never pretended that I was."

The prisoner—I was insane on the 2d of July.

Almost every other sentence that was uttered by Mr. Porter was retorted to by the prisoner, until finally Mr. Porter proceeded to close his argument, which he did as follows:

Gentlemen, the time has come when I must close. The Government has presented its case before you, and we have endeavored to discharge our duty to the best of our abilities; his Honor has endeavored to discharge his; I know that you will be faithful to your oaths and discharge yours. So discharge it that, by your action at least, political assassination shall find no sanction to make it a precedent hereafter. He who has ordained that human life shall be shielded by human law from human crime presides over your deliberations; and the verdict which shall be given or withheld to-day will be recorded where we all have to appear. I trust that that verdict will be prompt; that it will represent the majesty of the law, your integrity and the honor of the country; and that this trial, which has so deeply interested all the nations of the earth, may result in a warning (to reach all lands) that political murder shall not be used as a means of promoting party ends or political revolutions. I trust, also, that the time shall come, in consequence of the attention that shall be called to the considerations growing out of this trial, when, by an international arrangement between the various Governments, the law shall be so strengthened that political assassins shall find no refuge on the face of the earth.

THE CHARGE OF JUSTICE COX.

WASHINGTON, Jan. 25.—Judge Cox, at 3:15 p. m., proceeded to deliver his charge to the jury. He began by saying that the Constitution provides that in all criminal prosecutions the accused person shall enjoy the right of a speedy and public trial by an impartial jury, in the State or district where the crime shall have been committed; that he shall be informed of the cause and the nature of the accusation against him; that he shall be confronted with the witnesses against him; that he shall have compulsory process to obtain witnesses in his favor, and that he shall have assistance of counsel in his defence.

These provisions were intended for the protection of the innocent from injustice and oppression; and it was only by their faithful observance that guilt or innocence could be fairly ascertained. Every accused person was presumed to be innocent until the accusation was proved. With what difficulty and trouble the law had been administered in the present case the jurors had been daily witnesses. It was, however, a consolation to think that not one of those sacred guarantees of the Constitution had been violated in the person of the prisoner. At last the long chapter of proof was ended; the task of the advocate was done; and it now rested with the jury to determine the issue between public justice and the prisoner at the bar. No one could feel more keenly than himself the great responsibility of his duties, and he felt that he could only discharge them by close adherence to the law as laid down by its highest authorities.

Before proceeding further he wished to notice an incident which had taken place pending the recent argument. The prisoner had frequently taken occasion to proclaim that public opinion, as evidenced by the press and correspondence, was in his favor. Those declarations could not have been prevented except by the process of gagging the prisoner. Any suggestion that the jury could be influenced by such lawless clattering of the prisoner would have seemed to him absurd, and he should have felt that he was insulting the intelligence of the jury if he had warned them not to regard it. Counsel for the prosecution had felt it necessary, however, in the final argument, to interpose a contradiction to such statements; and an exception had been taken on the part of the prisoner to the form in which that effort was made. For the sole purpose of purging the record of any objectionable matter he should simply say that anything which had been said on either side in reference to public excitement or to newspaper opinion was not to be regarded by the jury.

The indictment charged the defendant with having murdered James A. Garfield, and it was the duty of the Court to explain the nature of the crime charged. Murder was committed where a person of sound memory and discretion unlawfully killed a reasonable being, in the peace of the United States, with malice aforethought. It had to be proved, first, that the death was caused by the act of the accused person, and, further, that it was caused with malice aforethought. That did not mean, however, that the Government had to prove any ill will or hatred on the part of the accused person toward the deceased person. Whenever a homicide was shown to have been committed without lawful authority, and with deliberate intent, it was sufficiently proved to have been done with malice aforethought, and malice was not disproved by showing that the accused person had no personal ill will to the deceased person, and that he killed him from other motives—as for instance, robbery, or through mistaking him for another or (as claimed in this case) to produce a public benefit. If it could be shown that the killing occurred in a heat of passion or under provocation, then it would appear that there was no premeditated attempt, and, therefore, no malice aforethought and that would reduce the crime to manslaughter. It was hardly necessary, however, to say that there was nothing of that kind in the present case.

GUITEAU GUILTY OF MURDER OR INNOCENT.

The jury would have to say either that the defendant was guilty of murder or that he was innocent. In order to constitute the crime of murder, the assassin must have a reasonably sane mind. In technical terms, he must be "of sound mind, memory and discretion." An irresponsibly insane man could not commit murder. If he was laboring under a disease of the mental faculties to such an extent that he did not know what he was doing, or did not know it was wrong, then he was wanting in that sound mind, memory and discretion that was a part of the definition of murder. In the next place, every defendant was presumed innocent until the accusation against him was established by proof. In the next place, notwithstanding this presumption of innocence, it was equally true that a defendant was presumed to be sane, and to have been so at the time the crime was committed. That is to say, that the Government was not bound to show affirmatively, as a part of its proofs, that the defendant was sane. As insanity was the exception, and as the majority of men are sane, the law presumed the latter condition of every man, until some reason was shown to believe to the contrary. The burden was, therefore, on the defendant, who set up insanity as an excuse for crime, to produce proofs in the first instance to show that that presumption was mistaken, so far as it related to the prisoner.

Crime, therefore, involved three elements—the killing, malice and a responsible mind in the murderer. After all the evidence was before the jury, while bearing in mind both those presumptions—that is, that the defendant is innocent till he is proved guilty, and that he is sane till the contrary appears—still if he entertained what is called a reasonable doubt on any ground, or as to any of the essential elements of the crime, then the defendant was entitled to the benefit of that doubt and to an acquittal. It was important to explain to the jury here in the best way that the Court could what is a reasonable doubt. He could hardly venture to give an exact definition of the term, for he did not know of any successful attempt to do so. As to questions relating to human affairs, a knowledge of which is derived from testimony, it was impossible to have the same kind of certainty that is created by scientific demonstration. The only certainty that the jury could have was a moral certainty, depending on the confidence which the jury had in the integrity of witnesses, and in their capacity and opportunity to know the truth. If, for example, facts not improbable in themselves were attested by numerous witnesses, credible and uncontradicted, and who had every opportunity to know the truth, a reasonable or moral certainty would be inspired by that testimony. In such a case doubt would be unreasonable or imaginary, or speculative. It ought not to be a doubt as to whether the person might not be innocent in the face of strong proofs of his guilt, but it must be a sincere doubt whether he had been proved guilty. Even where the testimony was contradictory, and where so much more credit should be given to one side than the other, the same result might be produced.

WHERE A PRISONER IS ENTITLED TO THE BENEFIT OF DOUBT.

On the other hand, the opposing proofs might be so balanced that the jury might justly doubt on which side, under all the circumstances, the truth lay, and in such case the accused person was entitled to the benefit of the doubt. All that a jury could be expected to do was to be reasonably and morally certain of the facts which they declared to be their verdict. In illustration of this point Judge Cox quoted the charge of Chief Justice Shaw, of Massachusetts, in the case of the Commonwealth vs. Webster.

With reference to the evidence in this case very little comment was required by the Court, except upon one question—the others being hardly matters of dispute. That the defendant fired at and shot the deceased President was abundantly proved. That the wound was fatal had been testified to by the surgeons who were competent to speak, and they were uncontradicted. That the homicide was committed with malice aforethought—if the defendant were capable of criminal intent or malice—could hardly be gainsaid. It was not necessary to prove that any special or express hatred or malice was entertained by the accused man toward the deceased President. It was sufficient to prove that the act was done by deliberate intent, as distinct from an act done under a certain impulse, in the heat of blood and without previous malice. Evidence had been exhibited to the jury tending to show that the defendant admitted in his own handwriting that he had conceived the idea of "removing the President," as he called it, six weeks before the shooting; that he had deliberated upon it, and come to a determination to do it, and that about two weeks before he accomplished it, he stationed himself at certain points to do the act, but for some reason was prevented. His preparation for it by the purchase of the pistol had been shown. All these facts came up to the full measure of the proof required to establish what the law denominated malice aforethought. The jury would find little difficulty in reaching a conclusion to all the elements that made up the crime charged in the indictment, except, it might be, as to the one of sound mind, memory and discretion—but that was only a technical expression for a responsible, sane man. He now approached that difficult question. He had already said that a man who is insane, in the sense that makes him irresponsible, cannot commit a crime.

The defence of insanity had been so abused as to be brought into great discredit. It was the last resort in cases of unquestioned guilt. It had been an excuse for juries to bring in a verdict of acquittal when there was a public sympathy for the accused person, and especially when there was provocation for the homicide, according to public sentiment, but not according to law. For that reason the defence of insanity was received with disfavor, and public sentiment was hostile to it. Nevertheless, if insanity were established to a degree necessary it was a perfect defence to an indictment for murder and must be allowed full weight. It would be observed that, in this case, there was no trouble with any question about what might be called total insanity, such as a raving mania, or absolute imbecility, in which all exercise of reason is wanting and where there is no recognition of persons or things or their relations. But there was a debatable border-line between sanity and insanity; and there was often great difficulty in determining on which side of this line a person was to be put. There were cases in which a man's mental faculties, generally, seemed to be in full vigor, but where on one single subject he seemed to be deranged. A man was possessed, perhaps, by a belief of something absurd which he could not be reasoned out of—what was called an insane delusion; or he might have some morbid propensity, seemingly in harsh discord with the rest of his intellectual and moral nature. Those were cases which, for want of a better term, were called partial insanity. Sometimes its existence and sometimes its limits were doubtful and indefinable, and in these cases it was difficult to determine whether the patient had passed the line of moral or legal accountability for his actions.

PARTIAL INSANITY NOT IRRESPONSIBILITY.

The jury would bear in mind that a man did not become irresponsible by the mere fact of his being partially insane. Such a man did not take leave of his passions by becoming insane. He might retain as much control over them as in health. He might commit offenses, too, with which his infirmity had nothing to do. He might be sane as to the crime he committed, might understand its nature, and might be governed by the same motives in relation to it as other people; while, on other subjects, having no relations whatever to the crime, he might be the victim of delusion. Whenever this partial insanity was relied on as defence, it must appear that the crime charged was a product of the delusion, or other morbid condition, and connected with it as effect with cause, and that it was not the result of sane reasoning which the person might be capable of, notwithstanding his limited and circumscribed disorder.

Assuming that that infirmity of mind had a direct influence on crime, the difficulty was to fix the character of the disorder which fixed responsibility or irresponsibility in law. The outgoings of the judicial mind on that subject had not been always entirely satisfactory nor in harmony with the conclusions of medical science. Courts had, in former times, passed upon the law in regard to insanity without regard to the medical aspect of the subject; but it would be only properly dealt with by a concurrence of harmonious treatment between the two sciences of law and medicine. The courts had, therefore, adopted, and again discarded, one theory after another in the effort to find some common ground on which to stand, and his effort would be to give to the jury the results most commonly accepted by the courts. It would be well to say a word to the jury as to the kind of evidence by which courts and juries were guided in this difficult and delicate inquiry. That subtle essence called mind defied, of course, ocular inspection. It could only be known by its manifestations. The test was as to whether the conduct of the man, and his thoughts and emotions, conformed with those of persons of sound mind, or whether they contrasted harshly. By that a judgment was formed as to a man's soundness of mind. And for that reason evidence was admissible to show conduct and language that would indicate to the general mind some morbid condition of the intellectual powers. Everything relating to his mental and physical history was, therefore, relevant, because any conclusion on the subject must often rest on a large number of facts; and letters, spontaneously written, afforded one of the best indications of mental condition. Evidence of insanity in the parents was always pertinent; but juries were never allowed to infer insanity in the accused person from the mere fact of its existence in the ancestors. When, however, there was evidence tending to show insane conduct on the part of the accused person, evidence of insanity in the ancestors was admissible as corroborative of the others. Therefore it was that, in this case, the defence had been allowed to introduce evidence covering the whole life of the prisoner and reaching also his family antecedents. In a case so full of detail he should deem it to be his duty to call the attention of the jury to particular parts of it, but he wished the jury distinctly to understand that it was their province, and not his, to decide upon the facts; and if he, at any time, seemed to express or intimate an opinion on the facts—which he did not design to do—it would not be binding on them; but they must draw their own conclusions from the evidence.

The instructions which he had already given to the jury imported that the true test of criminal responsibility, where the defence of insanity was interposed, was whether the accused person had sufficient use of his reason to understand the nature of the act with which he was charged, and to understand that it was wrong for him to commit it. If those were the facts he was criminally responsible for the act, whatever peculiarities might be shown of him in other respects. On the other hand, if his reason were so defective, in consequence of brain disease, that he could not understand what he was doing, or could not understand that what he was doing was wrong, he ought to be treated as an irresponsible lunatic.

THE QUESTION OF GUITEAU'S SANITY.

As the law assumed everyone, at the outset, to be sane and responsible, the question was, What was there in this case to show the contrary as to this defendant? A jury was not warranted in inferring that a man was insane from the mere fact of his committing a crime, or from the enormity of the crime; because the law presumes that there is a bad motive, and that the crime is prompted by malice, if nothing else appears. Perhaps the easiest way for the jury to examine into the subject was, first to satisfy themselves about the condition of the prisoner's mind for a reasonable period of time before any conception of the assassination had entered it, and also at the present time, and then consider what evidence exists as to a different condition of mind at the time of the commission of the act. He should not spend any time on the first question, because, to examine it at all, would require a review of the evidence relating to over twenty years of the prisoner's life, and this had been so exhaustively discussed by counsel that anything he could say would be a wearisome repetition. It was enough to say that, on the one side, this evidence was supposed to show a chronic condition of insanity before the crime, and, on the other side, to show an exceptionally quick intelligence, and decided powers of discrimination. The jury would have to draw its own conclusions. Was the prisoner's ordinary, permanent, chronic condition of mind such that he was unable to understand the nature of his actions, and to distinguish between right and wrong in his conduct? Was he subject all the time to insane delusions, which destroyed his power so to distinguish; and did those continue down to, and embrace, the act for which he is on trial? If so, he was simply an irresponsible lunatic. On the other hand, had he the ordinary intelligence of sane people so that he could distinguish between right and wrong as to his actions? If another person had committed the assassination would the prisoner have appreciated the wickedness of it? Would he have understood the character of the act and its wrongfulness if another person had suggested it to him? The jury must consider these questions in their own minds.

If the jury were satisfied that his ordinary and chronic condition was that of sanity—at least, so far that he knew the character of his own actions and how far they were right or wrong—and that he was not under any permanent insane delusion which destroyed his power of discriminating between right and wrong, then the remaining inquiry was whether there was any special insanity connected with this crime. It would be seen that the reliance of the defence was the existence of an insane delusion in the prisoner's mind, which so perverted his reason as to incapacitate him from perceiving the difference between right and wrong as to this particular act. As a part of the history of judicial sentiment on this subject, and by way of illustrating the difference between sane delusions and responsibility, he would refer the jury to a celebrated case in English history, which had already been commented on in the arguments.

Judge Cox here quoted from the opinions of the judges in the McNaughten case and from some American authorities on the same subject. He went on to say that the subject of insane delusion played an important part in this case and demanded careful consideration. The subject was treated, to a limited extent, in judicial decisions; but more was learned about it from works of medical jurisprudence and from expert testimony. Sane people were sometimes said to have delusions, proceeding from temporary disorders, and from mistakes in the senses. Sometimes they speculated on matters beyond the scope of human knowledge. But delusions in sane people were always susceptible of being corrected and removed by evidence and argument. On the contrary, insane delusions, according to all testimony, were unreasoning and incorrigible. Those who had them believed in the existence of facts which were either impossible absolutely, or impossible at least under the circumstances of the individual. A man might, with no reason for it, believe that another was plotting against his life, or that he himself was the owner of untold wealth, or that he had invented something which would revolutionize the world, or that he was the President of the United States, or Christ, or God, or that he was inspired by God to do a certain act, or that he had a glass limb—and those were cases of insane delusion. Generally the delusion centred around the patient himself, his rights or his wrongs. It came and went independently of the exercise of will and reason, like the phantasm of a dream. It was in fact the waking dream of the insane in which ideas presented themselves to the mind as real facts. The most certain thing was that an insane delusion was never the result of reasoning and reflection; was not generated by them and could not be dispelled by them. A man might reason himself, or be reasoned by others, into absurd opinions and be persuaded into impracticable schemes, but he could not be reasoned or persuaded into insanity or insane delusions. Whenever evidence was found of an insane delusion it was found that the insane delusion did not relate to mere sentiment, or theory, or abstract questions in law, politics or religion. All these were subjects of opinions and were founded on reasoning and reflection. Such opinions were often absurd in the extreme. Some persons believed in animal magnetism, in spiritualism and other like matters, in a degree which seemed absurd to other people. There was no absurdity in regard to religious, political and social questions that had not its sincere supporters. Those opinions might arise from natural weakness, bad reasoning powers, ignorance of men and things, fraudulent imposture, and often from a perverted moral sentiment; but still they were opinions founded on some kind of evidence and liable to be abandoned on better information or on sounder reasoning; but they were not insane delusions. An insane delusion was the coinage of a diseased brain, which defies reason and ridicule and throws into disorder all the springs of human action.

THE QUESTION FOR THE JURY TO DETERMINE.

Before asking the jury to apply these considerations to the facts in this case he wished to premise one or two things. The question for the jury to determine was what was the condition of the prisoner's mind at the time when the project was executed. If he were sufficiently sane then to be responsible, it mattered not what might have been his condition before or after. Still, evidence had been properly admitted as to his previous and subsequent condition, because it threw light, prospectively and retrospectively, on his condition at the time. Inasmuch as these disorders were of gradual growth and of indefinite continuance, if he were insane shortly before or shortly after the commission of the crime, it was natural to infer that he was so at the time. But still all the evidence must centre around the time when the deed was done.

The jury had heard a good deal of evidence respecting the peculiarities of the prisoner through a long period of time before this occurrence, and it was claimed on the part of the defence that he was, during all that time, subject to delusions that were calculated to disturb his reason and to throw it off its balance. The only materiality of that evidence was the probability which it might afford of the defendant's liabilities to such disorders of mind, and the corroboration which it might yield to other evidence tending to show such disorder at the time of the commission of the crime. The jury must determine whether, at the time the homicide was committed, the defendant was laboring under any insane delusion, prompting and impelling him to do the deed. Naturally they would look first to any explanation of the act that might have been made by the defendant himself at the time, or immediately before or after. Several papers had been laid before them that had been in the prisoner's possession and that purported to assign the motive for the deed. In the address to the American people of the 16th of June he said: "I conceived the idea of removing the President four weeks ago. Not a soul knew of my purpose. I conceived the idea myself, and I kept it to myself. I read the newspapers carefully for and against the Administration, and gradually the conviction dawned upon me that the President's removal was a political necessity, because he proved a traitor to the men who made him, and thereby imperilled the life of the Nation." Again he said in this address: "Ingratitude is the basest of crimes. The President, under the manipulation of his Secretary of State, has been guilty of the basest ingratitude to the Stalwarts. His express purpose has been to crush General Grant and Senator Conkling, and thereby open the way for his renomination in 1884. In the President's madness he has wrecked the once grand Republican party, and for that he dies." And again: "This is not murder; it is a political necessity. It will make my friend Arthur President, and save the Republic."

The other papers were of similar tenor. There was evidence that, when arrested, the prisoner refused to talk, but said that the papers would explain all. On the night of the assassination the prisoner had said to the witness Brooks that he had thought over it and prayed over it for weeks, that he was satisfied that he had to do the thing, and had made up his mind and had done it as a matter of duty. He had made up his mind that the President and Secretary Blaine were conspiring against the liberties of the people and that the President must die. In addition to this the jury had the important testimony of Mr. Reynolds as to the prisoner's statements, oral and written, about a fortnight after the shooting. There he was found reiterating the statements concerned in his other papers and saying that the situation at Albany suggested the removal of the President, and that, as the faction fight became more bitter, he became more decided, that he knew that Arthur would become President, etc.

The prisoner here remarked that Reynolds's statement was incomplete.

Judge Cox proceeded to quote from the address to the American people which was written by Guiteau and given to Mr. Reynolds: "I now wish to state distinctly why I attempted to remove the President. I had read the papers for and against the Administration very carefully for two or three months before I conceived the idea of removing him. Gradually, as the result of reading the newspapers, the idea settled on me that if the President were removed it would unite the two factions of the Republican party, and thereby save the Government from going into the hands of the ex-Rebels and their Northern allies. It was my own conception, and, whether right or wrong, I take the entire responsibility."

A second paper, dated July 19, addressed to the public, reiterated these statements, and added: "I have got the inspiration worked out of me."

The jury had now before it everything emanating from the prisoner about the time of the shooting. There was nothing further from him until three months afterwards. And now he would pass to consider the import of all this. The jury would consider, first, whether this evidence fairly represented the feelings and ideas that governed the prisoner at the time of the shooting. If it did, it represented a thing which he (Judge Cox) had not seen characterized in any judicial utterance as an insane delusion. They would consider whether it was evidence of insanity, or whether, on the contrary, it showed an ample power of reasoning and reflection on the arguments and evidence for and against, resulting in the opinion that the President had betrayed his party, and that, if he were out of the way, it would be a benefit to his party, and would save the country from the predominance of their political opponents. So far there was nothing insane in the conclusion. It had doubtless been shared by a good many heated partisans, who were sane people; but the difference was that the prisoner reached the conclusion that to put the President out of the way by assassination was a political necessity.

MEN REQUIRED TO REASON CORRECTLY.

When men reason, the law required them to reason correctly, so far as their practical duties were concerned. When they had the capacity to distinguish between right and wrong they were bound to do it. Opinions, properly so-called—that is, beliefs resulting from reasoning, reflection and the examination of evidence—afforded no protection against the penal consequences of crime. A man might believe a course of action to be right; and the law might forbid it as wrong. Nevertheless he must obey the law; and nothing could save him from the consequences of the violation of the law, except the fact that he was so crazed by disease as to be unable to comprehend the necessity of obedience. (Here Judge Cox quoted the decision of the Supreme Court in the Mormon case.) In like manner, he said, a man might reason himself into a conviction of the expediency and necessity of protecting the character of a political association, but to allow him to find shelter from punishment behind that belief would be simply monstrous. Between one and two centuries ago there had arisen a school of moralists who were accused of maintaining the doctrine that whenever the end to be attained was right, any means necessary to its attainment were justifiable. Consequently, they incurred the odium of nearly all Christendom. By that method of reasoning the prisoner seemed to have gotten the idea that, in order to unite the Republican party and to save the Republic, whatever means were necessary would be justifiable; that the death of the President by violence was only a proper and necessary means of accomplishing it and was, therefore, justifiable; and that, being justifiable as a political necessity, it was not murder. That appeared to be the substance of the idea which the prisoner had put forth to the world, and if this was the whole of his position, it presented one of those vagaries of opinion—even if it were sincere—for which the law had no accommodation and which furnished no excuse whatever for crime.

There was, undoubtedly, a form of insane delusion consisting of a belief by a person that he is inspired, by the Almighty to do something—to kill another, for example—and this delusion might be so strong as to impel him to the commission of crime. The defendant in this case claimed that he labored under such a delusion at the time of the assassination. His unsworn declarations in his own favor were not, of course, evidence, and were not to be considered by the jury. A man's language, when sincere, might be evidence of his condition of mind, but not evidence in his favor of the facts declared by him. He could never manufacture evidence in that way in his own exoneration. The law allowed a prisoner to testify in his own behalf, and therefore made his sworn testimony on the witness-stand legal evidence, to be received and considered and given such weight as it deserved. No verdict, however, could be safely rendered on the sole evidence of an accused person under such circumstances. Otherwise a man on trial for his life could secure his acquittal by simply testifying that he had committed the crime under a delusion of inspiration, or irresistible impulse. That would be to proclaim a universal amnesty to criminals in the past and unbounded license in the future; and courts of justice might as well be closed.

He would say a word about the characteristics of that form of delusion. The idea of being inspired to do an act might be either a sane belief or an insane delusion. A great many Christian people believed, not only that events were providentially ordered, but that they themselves received special Providential guidance and illumination in respect both to their inward thoughts and their outward actions. But this was a mere sane belief. On the other hand, if a man sincerely, though insanely, believed that, like St. Paul on his way to Damascus, he had been smitten to the earth, and had seen a great light and had heard a voice from Heaven warning and commanding him to do a certain act, that would be a case of imaginary inspiration amounting to an insane delusion.

THE QUESTION OF AN INSANE DELUSION.

The question was whether the case of this defendant presented anything analogous to that. The theory of the Government was that the defendant committed this homicide in full possession of his faculties and from perfectly sane motives; that he did the act from revenge, or perhaps from a morbid desire for notoriety; that he calculated deliberately on being protected by those who were to be benefited politically by the death of the President; that he made no pretense of inspiration at the time of the assassination, nor until he had discovered that his expectations from the so-called Stalwart wing of the Republican party were delusive; and that then, for the first time, he broached this theory of inspiration and irresistible pressure to the commission of the act. Whether this was true or not, the jury must determine from the evidence. It was true that the term "inspiration" did not appear in the papers first written by the defendant, nor in those delivered to Mr. Reynolds, except at the close of the one dated July 19, in which he said that the inspiration was worked out of him (although what that meant was not clear); and it was true also that that was after he was informed that he was being denounced by the Stalwarts.

Here Judge Cox referred to the testimony of Dr. Noble Young, Dr. Macdonald and Dr. Gray, and this, he said, was about the substance of what appeared in the case on the subject of inspiration.

The prisoner—Allow me to say that that statement by Dr. Gray was incomplete.

Judge Cox went on to say that the question for the jury was whether, on the one hand, the idea of killing the President first presented itself to the defendant in the shape of a command or inspiration of the Deity in the manner in which insane delusions of that sort arose; or whether, on the other hand, it was a conception of his own, and whether the thought of inspiration was not simply a speculation, or theory, or theoretical conclusion of his own mind. If it were the latter it was nothing more than one of the vagaries of reasoning, which he had already characterized as furnishing no excuse for crime. He had dwelt upon the question of insane delusion simply because the evidence relating to that was evidence touching the defendant's power or want of power (from mental disease) to distinguish between right and wrong as to the act done by him. This was the broad question for the jury to determine, and was what was relied upon by the defence.

It had been argued with force on the part of the defence that there were a great many things in the defendant's conduct which could not be expected of a sane man, and which were only explainable on the theory of insanity. There were strange things in his career; and, whether they were really indications of insanity, or could be accounted for by his ignorance of men, by his exaggerated egotism, or by his bluntness of moral sense, it might be difficult to determine.

The only safe rule, however, was for the jury to direct its attention to the one test of criminal responsibility, namely, whether the prisoner possessed the mental capacity, at the time the act was committed, to know that it was wrong; or whether he was deprived of that capacity by mental disease. There was one important distinction which the jury must not lose sight of, and they must decide how far it was applicable to this case. That was, the distinction between mental and moral obliquity, between the mental incapacity to distinguish between right and wrong and the moral insensibility to that distinction.

In conclusion, he said: From the materials presented to you, two pictures have been drawn to you by counsel. The one represents a youth of more than average mental endowments, surrounded by certain immoral influences at the time his character was being developed; beginning life without resources, but developing a vicious sharpness and cunning; conceiving "enterprises of great pith and moment," that indicated unusual forecast, although beyond his resources, consumed all the time by unsated egotism and a craving for notoriety; violent in temper, selfish, immoral and dishonest; leading a life of hypocrisy, swindling and fraud; and finally, as a culmination of his depraved career, working himself into the resolution of startling the world with a crime which would secure him a bad eminence.

The other represented a youth born, as it were, under malign influences, the child of a diseased mother and of a father subject to insane delusions, reared in retirement and imbued with fanatical religious views; subsequently his mind filled with fanatical theories; launched on the world with no guidance save his own impulses, evincing an incapacity for any continuous employment; changing from one pursuit to another; now a lawyer, now a religionist, and now a politician; unsuccessful in all; full of wild, impracticable schemes for which he had neither resources nor ability; subject to delusions; his mind incoherent and incompetent of reasoning coherently on any subject, with a mind so weak and temper so impressionable that he became deranged, and was, therefore, impelled to the commission of crime, the seriousness of which he could not understand. It is for you, gentlemen, to determine which of the portraits is the true one.

And now, gentlemen, to sum up all I have said to you, if you find from the whole evidence, that, at the time of the commission of the homicide, the prisoner was laboring under such a defect of his reason that he was incapable of understanding what he was doing, or of seeing that it was a wrong thing to do—as for example, if he were under the insane delusion that the Almighty had commanded him to do the act—then he was not in a responsible condition of mind, but was an object of compassion and should be now acquitted.

If, on the other hand, you find that he was under no insane delusion, but had the possession of his faculties, and had power to know that his act was wrong, and if, of his own free will, he deliberately conceived the idea and executed the homicide, then, whether his motive were personal vindictiveness, political animosity, a desire to avenge supposed political wrongs, or a morbid desire for notoriety—or if you are unable to discover any motive at all—the act is simply murder, and it is your duty to find a verdict of guilty as indicted. Or (after a suggestion from Mr. Scoville to that effect) if you find that the prisoner is not guilty by reason of insanity, it is your duty to say so. You will now retire to your room and consider your verdict.

During the delivery of the Judge's charge, which was completed at 4:40 p. m., there was perfect stillness in the court-room and even the prisoner kept absolutely quiet, with the exception of one or two simple interruptions. The jury immediately retired and many of the spectators left the room.

THE VERDICT AND HOW IT WAS RECEIVED.

WASHINGTON, Jan. 25.—After the jury had been out about twenty minutes a recess was taken until half-past 5 o'clock. Many of the spectators who had virtually been imprisoned since half-past 9 in the morning, availed themselves of the opportunity to obtain fresh air and lunch. The prisoner, at his request, had been allowed soon after the jury left the court-room, to retire to the little room he has occupied since the trial began as a waiting room during recess. Before leaving the court-room he evinced considerable nervousness, but on getting away to comparative seclusion his usual composure and assurance soon returned to him. He sent out for some apples with which he treated his attendants, meanwhile chatting familiarly and good naturedly. He was asked what he thought the jury would do and replied "I think they will acquit me, or disagree, don't you?"

Within ten minutes after the recess had been taken the jury called to the bailiff in waiting that they were ready with their verdict. They were informed that a recess had been taken and that Judge Cox had left the court-room, so they remained in their room until the Court reassembled. The rumor that the jury had agreed was quickly spread from one to another, and the excited crowd surged back into the court-room, and with eager expectancy anxiously awaited what all seemed to expect—a verdict of guilty.

The musty, antique room is devoid of gas, and the score or more of candles which had been placed upon the desks of the Judge, counsel and reporters, imparted a weird and fancifully unnatural aspect to the grim old place. The shadows thrown upon the dark background of the walls seemed like flitting spectres to usher in the sombre procession of those who held in their hands the destiny of a human life. First came the prisoner, with quick, nervous step, and as he seated himself in the dock, perhaps for the last time, the light of a solitary candle fell full upon his face and disclosed its more than usual pallor. Not a tremor of the limbs or a movement of the muscles of the face was observable, as he threw back his head and fixed his gaze upon the door through which the jurors were to enter.

Judge Cox soon afterward took his seat, the crier called "order," and the jury, at 5:35, filed slowly into their seats. Every sound was hushed save the voice of the clerk as he propounded to the foreman the usual inquiry. Clear and distinct came the reply.

"What is your verdict, guilty or not guilty?"

With equal distinctness came the reply, "Guilty as indicted."

Then the pent up feelings of the crowd found expression in uproarious demonstrations of applause and approval. "Order," "order," shouted the bailiffs. Mr. Scoville and counsel for the prosecution were simultaneously upon their feet. Mr. Scoville attempted to address the Court, but the District-Attorney shouted, "Wait till we have the verdict complete and in due form of law."

Order was at length restored, and the Clerk again addressing the jury said: "Your foreman says 'Guilty as indicted.' 'So say we all of us?'"

"We do," they all responded.

Another demonstration of approval followed this announcement, but not so prolonged as the first.

Mr. Scoville still upon his feet demanded a poll of the jury, which was granted and each juror was called by name and each in a firm voice promptly responded "guilty."

As the last name was called, the prisoner shrieked: "My blood will be upon the heads of that jury. Don't you forget it."

Mr. Scoville again addressed the Court saying: Your Honor, I do not desire to forfeit any rights I may have under the law and practice in this district. If there is anything that I ought to do now to save those rights, I would be indebted to your Honor to indicate it to me."

Judge Cox, in reply, assured him that he should have every opportunity—that the charge would be furnished to him to print, to-morrow, and he would be accorded all the time allowed by law within which to file his exceptions, and that he would also be entitled to four days within which to move in arrest of judgment.

Guiteau, who, from the moment Judge Cox began the delivery of his charge, had dropped completely his air of flippant arrogance and sat with rigid features and compressed lips, called out, in tones of desperation: "God will avenge this outrage."

Judge Cox then turned to the jury and said: "Gentlemen of the jury I cannot express too many thanks for the manner in which you have discharged your duty, you have richly merited the thanks of your countrymen, and I feel assured you will take with you to your homes the approval of your consciences. With thanks, gentlemen of the jury, I dismiss you."

With this announcement the court was declared adjourned, and the now famous trial which has absorbed the public interest and attention for more than ten weeks was ended. The crowd quickly left the court room and the prisoner, gesticulating with his manacled hands was led out. As he passed the reporter's tables he leaned over and called out to an acquaintance, "The Court in banc will reverse this business."

His appearance was that of a man deeply moved with indignation at some outrage or indignity which had been put upon him. As he was being put in the van the crowd of men and boys upon the pavement yelled and shouted themselves hoarse in mockery of the prisoner's constant boast, "The American press and people are all with me." The van was quickly driven away followed till out of sight by the jeers and yells of the crowd.

Mr. Scoville will probably file a motion in arrest of judgment and for a new trial on exceptions. The law gives the defendant four days to file the motion, and reasons for a new trial, and it is customary for the Court to sit some day to hear the argument thereon.

Should this motion be overruled, the defendant will appeal to the General Term and under the law the defendant is entitled to a suspension of the sentence till after the next General term—not exceeding thirty days. The January General Term is now in session and the case cannot go there, but will be appealable to the April term.

It is the custom of the April term to run until September—taking a recess over July and August—but should it be closed by the latter part of May, then if the judgment is affirmed, the execution might take place in July.

WHAT MR. SCOVILLE HAS TO SAY.

WASHINGTON, Jan. 25.—Mr. Scoville said to-night that the next move in the case would be a motion for a new trial, which he expects to file on Saturday. To a certain extent this action will be merely formal, but the main points on which it will be based are as follows: That the jury erred in rendering a verdict contrary to the law, and that they erred in rendering a verdict contrary to the evidence; that Judge Cox, in his charge, did not base it upon all the evidence, and that the jury during this trial read the newspapers and had conversations with outside persons. Mr. Scoville said that should the motion be denied, an appeal will be taken to the court *en banc* in April.

Referring to the verdict, Mr. Scoville said that after hearing Judge Cox's charge, he was not surprised that the jury rendered a verdict of guilty. He refrained, however, from passing any criticism upon Judge Cox's charge, further than to say that he had not been accustomed to hear the Judge address the jury as Judge Cox did in this case, but simply to submit written instructions, and this, too, upon the law bearing upon the case and not upon the evidence. Judge Cox, Mr. Scoville thought, did not review the entire evidence given in the case, but only portions of it.

Guiteau is said by some to have appeared to be the coolest person in the court-room at the time the verdict was announced, but Mr. Scoville believes that when the excitement attending the trial is over—excitement which Mr. Scoville thinks has sustained Guiteau all the way through it—he will become a raving maniac. Mr. Scoville does not talk to-night like a man who thinks his labors in this matter are at an end. There are good grounds, he says, for a new trial, and he proposes to show this from the record of the trial, when the popular feeling against Guiteau has died away. In that record, he says, will be found the fact that a letter from Guiteau to District-Attorney Corkhill, with the signature and a large part of its contents torn off, was admitted in evidence. Besides this there is the expert testimony, which, he says, is condemned by thousands of competent men throughout the country, and other facts now matters of record, all of which can be used as reasons for asking for a new trial.

THE NEWS IN THIS CITY.

The news of the conviction of Guiteau seemed to send a thrill through the community when it reached this city. In one sense it was unexpected. The trial had been drawing its slow length along for so many weeks, and there had been so many protracted delays, that people generally anticipated at least several days more of the same tedious work. It is also true that few people would have been surprised if the jury had spent a long time in deliberating over the testimony. Then, too, many, induced partly by their own fears and partly by the newspaper reports, thought that there was at least one of the jury who had had doubts about the sanity of the assassin. When, therefore, the news of the verdict arrived it was not at first credited. The rumor, however, spread rapidly and was quickly confirmed by the appearance of "extras" stating the circumstances under which the verdict was rendered.

This was after 6 o'clock and, therefore, the majority of business men had gone up town. Boys with bundles of "extras" crowded around the steps of the elevated trains and shouted out the verdict to those passing. The papers had a remarkable sale. In the later trains nearly every man had an evening paper. The news was discussed with animation. The expressions of satisfaction were marked and in some cases striking. One white-haired man at the Park Place Station as he opened his paper called to a younger man in the group near him: "Here, Sam; hurrah for that jury. They've done it. They've half redeemed our good name. And that devil has got to swing, thank God!" The listeners showed their delight when "Sam" said "amen." Those who went home on the later trains carried the news with them, so that before half-past 7 o'clock the verdict was generally known throughout the city. It was the single topic of conversation. Only one sentiment was expressed—satisfaction that the verdict had been so prompt and relief that the course of justice had been run.

Whatever may have been the case in Washington, there have been no indications of a belief on the part of any considerable number of persons in this city that the prisoner was insane. One who went searching for such a sentiment would have had difficulty in finding any who would acknowledge that they entertained it. When Mr. Scoville made his opening speech it was not an uncommon thing to hear many persons say that if the prisoner's counsel could substantiate all his statements by proof they would have doubts of Guiteau's sanity. The unfortunate position in which Mr. Scoville was placed gave his client also the benefit of much of the sympathy that that position naturally excited. But as the trial advanced this feeling rapidly wore away. It was very plain that Mr. Scoville could not keep a fraction of his promises as to the testimony. But the prisoner's conduct did much more to convince the New-York readers of the court proceedings that any leniency shown to the prisoner was an abuse of mercy. The announcement of the verdict last night did much to allay the constantly strengthening feeling of indignation at the great advantages which have been given to Guiteau over ordinary murderers and at his flagrant abuse of these privileges. It was a common remark among those who are familiar with the methods of criminal courts that if Guiteau had under the same circumstances murdered a man in humble station he would have been hanged long ago. No court would have suffered the trial to extend beyond a week or ten days at the most, and no doubt would have entered the mind of the presiding judge as to whether he had the power to preserve the dignity of the court by enforcing silence from the prisoner and the spectators.

The Tammany Society held a special meeting last evening to initiate several candidates for membership. There were present a number of representative Tammany Democrats. "There can be only one sentiment with reference with such a wretch," said one of the Sachems. "The assassination of the President of the United States is a deed which good men of all parties cannot but condemn. Were it otherwise we should soon be in the condition of some of the South American Republics. I hope the villain will soon be hanged as a warning to others who might be tempted to repeat his act if he escaped with confinement in a lunatic asylum." This sentiment was cordially approved by all in the neighborhood of the speaker.

SATISFACTION EXPRESSED GENERALLY.

WASHINGTON, Jan. 25.—The news that a verdict had been rendered in the Guiteau case brought people out of their homes to-night, notwithstanding the inclement weather, and the hotel lobbies were thronged. Naturally the trial was almost the only topic of conversation, and so far as expressions at places of public resort could be heard the verdict was unanimously approved, and the jury highly commended. It is evident that Mrs. Scoville was entirely mistaken in her opinion that the people of Washington were divided into two classes, one believing that the prisoner should be acquitted on the ground of insanity, and the other desiring his conviction. If there are any who believe Guiteau insane they are not openly expressing that opinion to-night. The general conviction is that a new trial will not be granted, and the indications are that even counsel for the defense do not indulge in any such hope. Guiteau, in his inordinate vanity, apparently believes that the President will interpose to save him from the gallows, but his counsel entertain no such idea.

PITTSBURG, Jan. 25.—The news of Guiteau's conviction spread through the city like wildfire, and was received on all sides with satisfaction.

CINCINNATI, Jan. 25.—The news of Guiteau's conviction calls forth the liveliest expressions of gratification wherever it has been heard. "Thanks be to the Deity," was the exclamation of one business man when he heard the news. One strong element of satisfaction was found in the promptness of the jury in arriving at their verdict, and, as one man said, "The jury acquitted themselves."

BOSTON, Jan. 25.—The announcement of the conviction of Guiteau was made on the bulletins in this city, while many people were on the streets. These soon gathered in crowds in front of the newspaper offices, and expressions of relief and satisfaction were heard on all sides.

THE FIRE RECORD.

HEAVY LOSSES AT WOONSOCKET, R. I.

BOSTON, Jan. 25.—A special dispatch from Woonsocket, R. I., says: A fire broke out at 2:30 a. m. in the basement of the Providence and Worcester Railroad Company's depot, occupied by Charles W. Talcott, steam and gas-pipe fitter. The flames soon enveloped the whole building, destroying the ticket and Western Union Telegraph offices, with their contents, and Jenck's trunk office and Early's express office. The fire next communicated to Dr. D. M. Edwards's block, in which were several stores and offices, nearly destroying it with the contents. The loss on the depot building is $60,500; insured for $18,000. The loss on Edwards's block is $12,000; insured for $5,000. Whitmarsh & Crow, dry goods, lose $28,000; insured. Henry A. Whitney, druggist, losses $5,000; insurance, $4,000. J. S. Wartz, cigars, loses $800; insured for $500. C. B. Knowles, photographer, loses $3,000; insurance, $1,200. Ann Perry, milliner, loses $2,500; insurance, $2,000. Dr. A. W. Buckland, dentist, loses $2,000; insurance, $1,000. Frank A. Campbell, tailor, loses $1,000; insured for $500. D. M. Cook, stationer and blank books, loses $4,000; insured for $5,000. Producers' National Bank: loss, $200; insured. Mrs. William Fuller, dressmaker, loses $200; no insurance. Lyman A. Cook, office furniture; loss, $200; uninsured. Charles W. Talcott, $4,000; insured. Adams Express Company: loss, $300; no insurance. Christian Kollett, barber, loses $250; no insurance. Occident Tea Company: loss, $4,500; insured for $2,850. The total loss amounts to nearly $100,000. Four firemen fell from a ladder and were slightly injured. Lewis Reed, engineer, was chilled through, and is not expected to live. The Town Clerk's Office and the Council Chamber, in Edwards's block, were also badly damaged.

DAMAGE IN CHERRY STREET.

Fire was discovered in the fourth floor of the five-story brick factory No. 325 Cherry-st., last night about 10 o'clock, and before the flames were extinguished the contents of the building were nearly destroyed by fire and water. The first, third and fourth floors were occupied by Rice & Co., manufacturers of veneer boxes. The second floor was occupied by Gibbons & Co., druggists, and the fifth floor was occupied by Otto Vieweg, a straw-braid manufacturer. The origin of the fire is unknown. The building was heated by steam, and there were no fires up stairs. Peter Nelson, the engineer, left the building at ten minutes after 5 o'clock, and there were then no signs of fire anywhere. The building is in a dangerous locality. Adjoining it on the south is a large tenement house, and in its rear separated by an alley only a few feet wide is a large furniture factory. The flames made their way into the rooms of the adjoining tenement house, and two bedrooms were burned out. The tenement house is owned by Patrick Cassidy, and the rooms which were burned were occupied by Martin McMahon. The losses were estimated as follows: Rice & Co., $2,500; Gibbons & Co., $5,000, and Otto Vieweg, $2,500. The loss on the building was estimated at $2,500.

LOSSES IN VARIOUS PLACES.

ATHOL, Mass., Jan. 25.—The Rodney machine shop was destroyed by fire last evening. A shop belonging to the Gold Medal Sewing-Machine Company, containing 160,000 feet of lumber, was also burned. The total loss is from $75,000 to $100,000, on which there is only a partial insurance.

ST. LOUIS, Jan. 15.—A special dispatch from Carthage, Mo., says that the Carthage Woollen Mill was burned last night. Loss $60,000; insurance $20,000.

WILKESBARRE, Penn., Jan. 25.—A fire, caused by an explosion of gas, took place in the No. 1 shaft of the Susquehanna Coal Company on Monday last and is still burning. The portion of the mine where the fire exists will be flooded in order to subdue the flames.

ELMIRA, N. Y., Jan. 25.—At 3 o'clock this morning fire broke out in the store of J. B. Collins & Co. and the millinery store of Mrs. T. Landsley, of Corning. Both stores with their stock of goods were completely destroyed. Loss, $5,000; nearly covered by insurance.

STABBED IN THE STREET FIVE TIMES.

A man, twenty-five years old, who gave his name as Francis A. Conklin, unmarried, a gasfitter, boarding at No. 198 Seventh-st., was carried into the drug store at Sixteenth-st. and Avenue-A, last night suffering from five stab wounds. He had been found bleeding on the sidewalk at Fifteenth-st. and Avenue-A. A woman living in the neighborhood had seen two men fighting on the sidewalk for a moment. One of the men had run away and the other (the wounded man) had fallen helpless. There had been no quarrel noticed previous to the fight. Conklin said that he was walking along in the street with his hands in his pockets, when an unknown man suddenly attacked him without provocation and stabbed him. An ambulance was summoned and Conklin was taken to Bellevue Hospital. The surgeons found that he had received two dangerous wounds in the right side, two severe wounds in the left shoulder, and one wound in the back. The wounds had been inflicted with a large knife, and in Conklin's side the blade had penetrated the lung so that air bubbled out through the cuts when he breathed. The surgeons at the Hospital telegraphed to Police Headquarters asking for a Coroner and stating that Conklin could not live long. At 11 p. m. Conklin was suffering very little from shock, and the surgeons said he probably would live through the night. The police were unable to get any trace of Conklin's assailant. Conklin reiterated his assertion that he did not know the man and had not provoked the stabbing.

CELEBRATING BURNS'S BIRTHDAY.

Yesterday was the one hundred and twenty-third anniversary of the birth of Robert Burns. In honor of the day the annual festival of the New-York Caledonian Club was held last night at the club house in Horatio-st. Covers were laid for 225 persons. After the supper the haggis was brought in high in air, and the address to this dish was delivered, the toasts were drunk and replied to. Among them were "The genius of Burns," responded to by Andrew McLean, and "The land we left and the land we live in," to which Judge McAdam replied. After the toasts and songs the dancing was begun and continued to a late hour.

THE COURTS.

UNITED STATES SUPREME COURT.

WASHINGTON, Jan. 25.—The following business was transacted in the Supreme Court of the United States to-day:

No. 259—The United States agt. the Pacific Railroad Company—Dismissed.

No. 817—Charles A. Hills, receiver of taxes, and others, appellants, agt. the National Albany Exchange Bank—Argued. This was a suit for an injunction to restrain the collection of taxes levied upon the National Albany Exchange Bank under chapter 761 of the laws of New-York of 1866.

Adjourned until to-morrow.

THE COURT OF APPEALS.

ALBANY, Jan. 25.—In the Court of Appeals to-day, January 25, the Hon. Charles Andrews, C. J., and associates.

Day calendar for Thursday, January 26—Nos. 44, 54, 34, 62, 63, 68, 72, 73.

No. 18—David Dill, executor, etc., appellant, agt. Mary S. Wisner and others, respondents—Argued.

No. 23—Henry Kingsington, administrator, etc., respondent, agt. the Brooklyn and Coney Island Railroad Company—Argued.

No. 29—Mary V. Ayers, administratrix, etc., respondent, agt. the City of Brooklyn, appellant—Argued; submitted by respondent.

COURT CALENDARS—JANUARY 26.

SUPREME COURT—CHAMBERS—Held by Barrett, J.—Calendar called at 11 a. m.—Nos. 8, 45, 57, 74, 89, 91, 98, 115, 117, 124, 130, 149, 156, 176, 177, 178, 179, 187, 189, 191, 193, 198, 199, 200, 205, 210, 213, 216, 217, 219, 220, 222, 223, 227, 228, 229, 230, 231, 232, 234, 235, 236, 237, 238, 239.

SUPREME COURT—General Term—Held by Davis, P. J., and Brady and Daniels, JJ.—Nos. 129, 127, 141½, 103, 109, 137, 117, 130, 138, 139, 152, 114, 154, 155, 110, 119, 135, 144, 177, 150, 136, 143½, 125, 142.

SUPREME COURT—SPECIAL TERM—Held by Lawrence, J.—Law and Fact—Nos. 228, 49, 113, 410, 229, 134, 50, 128, 119, 114, 226, 275, 261, 131, 176, 109, 161, 251, 286, 288, 289, 291, 293, 296, 299, 305, 311, 53, 312, 313, 314, 315, 316, 317, 319, 320, 321, 322, 323, 324, 325, 326, 327, 329, 330, 336, 332, 333, 834, 335, 436.

SUPREME COURT CIRCUIT—PART I.—Held by Larremore, J.—Nos. 1567, 1694, 810, 1525, 1532, 1123, 1536, 1480, 1609, 672, 1645, 967, 985, 1058, 959, 2392, 1620, 1621, 1327, 1396½, 1201, 1180, 2495, 1101, 245.

PART II.—Held by Van Vorst, J.—Case on, 1191. Pierson, agt. Crooks and others. No day calendar.

PART III.—Held by Donohue, J.—Nos. 2106, 140, 1640, 783, 2494, 2094, 2097, 1650, 1668, 1680, 1682, 1687, 1687, 1690, 1931, 1668½, 1550, 1533, 1710, 1711, 1712, 1713, 1714, 1714½, 1715, 1717.

SUPERIOR COURT—SPECIAL TERM—Held by Sedgwick, C. J.—Case on, Fisher agt. Dusenbury. No day calendar.

SUPERIOR COURT—TRIAL TERM—PART I.—Held by Truax, J.—Nos. 88, 522, 348, 183, 220, 27, 798, 219, 712, 642, 360, 324, 194, 568, 786, 774, 349, 499, 517, 205, 206.

COMMON PLEAS—SPECIAL TERM—Held by Daly, J.—No day calendar.

COMMON PLEAS—TRIAL TERM—PART I.—Held by Van Hoesen, J.—Nos. 1418, 1392, 1183, 1187, 1408, 1622, 1180, 431, 428, 1628, 1429, 1617, 1632, 1124, 1469, 1677, 1523, 306, 1643, 1287, 987, 1388, 1549, 1554, 1361.

NO ADVANCE IN IRON.

PITTSBURG, Penn., Jan 25.—At a special meeting of the Western Iron Association, held here to-day, it was deemed best not to advance the present prices and the card rate was reaffirmed. The question of Mr. McKinlay's Tariff bill, now before Congress, also received attention, and a memorial was adopted favoring its early passage.

OVER ONE HUNDRED YEARS OF LIFE.

BOSTON, Jan. 25.—Mrs. Judith Twombly, who was born at Strafford, N. H., March 5, 1779, died at Lowell, Mass., to-day. She retained her faculties up to within a short time before her death.